

CHAPTER 4  
DECLARATORY RULINGS  
(Uniform Rules)  
[Prior to 10/8/86, see Commerce Commission250]

The utilities division hereby adopts, with the following exceptions and amendments, rules of the Governor’s Task Force on Uniform Rules of Agency Procedure relating to declaratory rulings, which are printed in the first Volume of the Iowa Administrative Code.

**199—4.1(17A) Petition for declaratory ruling.** Any person or agency may file a petition with the Iowa utilities board (hereinafter referred to as board) for a declaratory ruling concerning the applicability of any statute, rule, policy, decision, or order administered by the board at Des Moines, Iowa. A petition is deemed filed when ten copies are received by that office. The board must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the board an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially comply with the following form:

STATE OF IOWA  
BEFORE THE IOWA UTILITIES BOARD

IN RE: THE PETITION OF (insert petitioner’s name) FOR A DECLARATORY RULING ON (insert rule number, statute, etc. for which interpretation sought)	}	DOCKET NO. _____ (completed by board) PETITION FOR DECLARATORY RULING
---	---	--

COMES NOW (insert name of petitioner) and requests a declaratory ruling on (state rule number, statute, order, decision, or other written statement of law or policy for which an interpretation is sought), and in support of which petitioner states:

- (The petition shall then set forth in separately numbered paragraphs:
1. A clear and concise statement of all relevant facts on which the ruling is requested.
  2. A citation and the relevant language of the specific statutes, rules, policies, decisions, or orders, whose applicability is questioned, and any other relevant law.
  3. The questions petitioner wants answered, stated clearly and concisely.
  4. The answers to the questions desired by the petitioner and a summary of the reasons urged by the petitioner in support of those answers.
  5. The reasons for requesting the declaratory ruling and disclosure of the petitioner’s interest in the outcome.
  6. A statement indicating whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner’s knowledge, those questions have been decided by, are pending determination by, or are under investigation by, any governmental entity.
  7. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the questions presented in the petition.
  8. Any request by petitioner for a meeting provided for by rule 4.4(17A).)
- The petition must be dated and signed by the petitioner or the petitioner’s representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner’s representative, and a statement indicating the person to whom communications concerning the petition should be directed.

WHEREFORE, (insert petitioner's name) prays that the board issue a declaratory ruling on (insert proposed subject of ruling).

Respectfully submitted,

---

(Signature of petitioner)

(name)

(address and zip code)

**199—4.3(17A) Inquiries.** In lieu of “(designate official by full title and address)”, insert “Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319”.

**199—4.4(17A) Agency consideration.** Upon request by petitioner in the petition, the board must schedule a brief and informal meeting between the petitioner and the agency, a member of the agency, or a member of the staff of the agency, to discuss the petition. This meeting shall be scheduled between the tenth and the twentieth day after the petition is filed, unless otherwise agreed to by the petitioner. The agency may request the petitioner to submit additional information or argument concerning the petition. The agency may solicit comments from any person on the questions presented in the petition. Also, comments on those questions may be submitted to the agency by any person.

Within 30 days after the filing of the petition, or within any longer period agreed to by the petitioner, the agency must, in writing, issue a ruling on the petition or refuse to do so. An agency is deemed to have issued a ruling or to have refused to do so on the date the ruling or refusal is mailed or delivered to petitioner.

These rules are intended to implement Iowa Code sections 476.2, 476.3 and 546.7.

[Filed 2/11/76, Notice 7/14/75—published 2/23/76, effective 3/29/76]

[Filed 11/16/84, Notice 9/12/84—published 12/5/84, effective 1/16/85]

[Filed emergency 9/18/86—published 10/8/86, effective 9/18/86]

[Filed 3/3/89, Notice 8/24/88—published 3/22/89, effective 4/26/89]